



GOOGLE PRIVACY POLICY REMAINS A CAUSE FOR CONCERN

by Texas Attorney General Greg Abbott

THE LINE BETWEEN PROVIDING A DYNAMIC service and violating customers' privacy can be a thin one in the 21st century. As technology giants strive for one-touch solutions across multiple platforms to create a more convenient experience for their customers, they must avoid misusing these customers' personal information. The case-in-point for this struggle appears to be Google's new privacy policy, which three dozen state attorneys general and consumer protection officials asked the company to reconsider last week.

Google justifies its new privacy policy – which was implemented on March 1 – by arguing it needs to consolidate roughly 60 product-specific privacy policies into one comprehensive policy in order to improve the user experience and make its privacy policies and practices more understandable. Google claims that the unified privacy policy will not change or expand the information it collects about its users. Rather, Google argues that it will merely combine data collected by one Google service with information about that same user that was collected by other Google services – effectively treating the customer as a single user across all services.

Google's stated goal for this change is to provide its customers "with a better experience and to improve the quality of our services." The problem is that Google does not want to allow its users to decide whether they actually want this purportedly "better experience." Indeed, the company does not appear to be giving its customers any true opportunity to determine how their personal information is shared among a vast swath of Google services. Under the pre-existing privacy policy, customers had more freedom to tailor their information for different purposes. For example, Gmail users could maintain an address book for their email account and a separate set of personal information to share in Google+, the company's social networking service. But under Google's new privacy policy, a user's Gmail account information will be automatically combined with their Google+ profile. Likewise, users might not object when Google tracks their online search queries, but might not want the company to know their location. Yet under Google's new privacy policy, customers appear to have no choice in the matter.

For certain cell phone users, in particular, simply opting not to use Google services may not be an option. Individuals who choose to leave the Google universe over this privacy policy don't have an easy way out. For example, customers who own phones powered by Google's Android operating system – which now control more than 46 percent of the mobile phone market, according to one recent report – may need to purchase new phones if they want to avoid having their information subjected to Google's new privacy policy.

Consequently, Google's new privacy policy may simply create additional headaches for users, rather than an improved customer experience. The better solution would be to allow users to choose whether to integrate their data across multiple Google platforms – rather than compel it. Google claims its new privacy policy will provide users with a "simple product experience that does what you need, when you want it to." If the company's policy is truly beneficial for its customers, then it should have enough confidence in its products to allow users to opt out in a more straightforward, uncluttered

fashion. Better yet, Google should shift to an opt-in strategy that allows the new policy to stand or fall on its own merits. In a free market, customers tend to choose the better service when given a genuine opportunity to do so.

After state and federal regulators and policy makers raised concerns about the new privacy policy, Google attempted to justify its new position in letters to members of Congress and state attorneys general. Google also embraced the "Do Not Track" option that ostensibly allows Google Chrome users to prevent their web searches from being tracked by online advertisers. While these may be a step in the right direction, Google's relatively minor efforts to mitigate the backlash do not sufficiently address our concerns. As attorneys general, our first responsibility is to protect the citizens of our states. At a time when identity theft is on the rise and protecting online privacy is of unparalleled importance, we are committed to safe-guarding our citizens' personal information and hope Google will do the same.

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